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October 4, 2022

Via Electronic Filing

Magistrate Judge Vera M. Scanlon
United States District Court
Eastern District of New York
225 Cadman Plaza East, 1214 South
Brooklyn, New York 11201

RE: *Green Mountain Holdings (Cayman) Ltd. v. Precision Pro Contracting Services, LLC*, 21-cv-03287(WFK)(VMS)
Letter-Motion to Compel Compliance with Discovery Demands and Extend Time for Service

Dear Magistrate Judge Scanlon:

I represent Defendants/Third-Party Plaintiffs Melvin Turner and Precision Precision Pro Contracting Services LLC (“Borrower Defendants”) in the above referenced action pending before you. As you are aware, there is a pending discovery dispute between Third-Party Truist Bank (“Truist”) and the Borrower Defendants. On July 27, 2022, the Borrower Defendants sent document demands to Truist. **Exhibit A**. On August 31, 2022, Truist provided the non-responses annexed as **Exhibit B**. Out of 19 document demands, Truist objected to every single one and provided zero documents. *Id.* At the September 15, 2022 conference, Truist was directed to provide whatever documents it intended on providing on before September 23, 2022. On September 23, 2022, Truist provided 58 pages of documents, 19 of which were previously provided by Truist by a Subpoena from Plaintiff, and the remaining balance being 39 pages for a bank account set up, on April 20, 2022, by Third-Party Defendant Rob Trucking LLC. While the Borrower Defendants appreciate the records, which appear to be responsive to Document Demand No. 8, they do not appear to actually be relevant to where the Borrower Defendants’ money actually went.

Truist produced bank account records for Acct. No. XXX7469 for Third-Party Defendant Rob Trucking LLC. That account shows a deposit into the account for “CASH DISB SARASOTA SEVEN B3 BUILDERS LLC” for \$120,391.95 on April 29, 2021. On May 5, 2021, there was a “FORCE PAY DEBIT MEMO rev SARASOTA SEVEN” for \$120,391.95. The account had been opened with a \$100.00 opening balance and that sum was entirely paid down through service fees to Truist. As far as disclosed by Truist, there were no other transactions.

What this does not explain, for example, is where the \$80,000.00 check from First Class Distribution, Inc., to Rob Trucking LLC, and endorsed by “Brenda Carmela,” Check No. 98 drawn

on Truist, actually went. Was this deposited into an account at Truist? Some other bank? It is not clear why Truist will not cooperate with answering these or other questions.

On September 23, 2022, I emailed Truist's counsel for more information about this one transaction and have not received a response. **Exhibit C.** At this juncture, I ask the Court to direct Truist to properly answer the Borrower Defendant's document demands pursuant to FRCP 37 within a date certain so as to comply with the present discovery schedule.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Richland', with a stylized, flowing script.

Daniel H. Richland, Esq.